

## Totowa Borough Public Schools

93 Lincoln Avenue, Totowa, NJ 07512

Phone: 973-956-2130 Fax: 973-956-5575 E-Mail: TotowaMonahan@Yahoo.com

Colin J. Monahan

School Business Administrator/Board Secretary

March 28, 2002

FCC, Office of the Secretary  
445-12<sup>th</sup> Street SW  
Washington, Dc 20554

RECEIVED & INSPECTED

APR 4 - 2002

FCC - MAILROOM

Re: CC Docket Nos. 96-45 and 97-21

To Whom It May Concern:

This letter is to appeal the decision made by the School and Libraries Division regarding the Totowa School District Funding Commitment Decision Letter ( Funding year 4 07/01/2001 – 06/30/2002) which is dated February 8<sup>th</sup> 2002.

As noted in the letter of appeal to the School and Libraries, a clerical error was made on the form. This error was never discovered based on the fact that the School Libraries approved our 470 application letter. Once the school 470 letter was approved I sent out the 471 application. I had conversations with a Mr. Haith and Mr. Chase regarding changes that had to be made on my 471 form. At this time I was never informed that the School Districts 470 was not filed correctly. My question is why would the School Library Division let the school district complete the 471 form funding year 4 if our 470 form was not completed correctly?

In the School and Libraries' second explanation for denial, I believed the School District's 470 was being properly posted since we received an approved 470 application letter. If I were notified in time I could have corrected the clerical error and had the correct 470 posted on the website in the proper year. My question is why would our school district want to be posted on a website in a year that has been closed and is not applicable for funding year 4?

The School and Libraries third explanation for denial says the school district form would have to be posted on the website for 28 days. The 470 was posted for 28 days, but in the wrong year. If I were notified back on 12/18/2000 that we sent in the wrong year I would have had time to make a correction and have it posted on time. If Schools and libraries reviewed the school districts 471 thoroughly, why did they then approve an inaccurate 470?

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I received a 470 approval letter on 12/18/00, a 471 acknowledgment letter 8/2/2001, but did not receive a decision letter until 9/8/01. For eight months I believed all our forms were correct. If I were notified earlier a change could have been made.

I agree that the school district 470 application had a clerical error, however I do not believe the school district should be penalized for a mistake the School and Libraries Division made in allowing a letter being sent to us stating that they received a properly completed form 470.

Enclosed is the approved 470 application letter, and the Administrator's Decision on Appeal letter. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin J. Monahan", followed by a long horizontal line extending to the right.

Colin J. Monahan  
School Business Administrator/Board Secretary

**USAC**  
UNIVERSAL SERVICE  
ADMINISTRATIVE CO.  
**Schools and Libraries**  
Division

Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, NJ 07981

TOTOWA BOARD OF EDUCATION  
COLIN J. MONAHAN  
93 LINCOLN AVE  
TOTOWA, NJ 07512-2697

|||||

DATE: 12/18/2000

Important Notice  
about your Form 470 Application  
Entity Number: 122882

We are pleased to inform you that the Schools and Libraries Division/USAC (SLD) has received your properly completed FCC Form 470, Description of Services Requested. This letter provides important information about the processing of your Form 470 application. Please read this letter carefully and retain it for your records and future reference.

SLD has assigned the following Form 470 Application Number (470AN) to your FCC Form 470: 331540000328626. Please record this number in a safe place. The 470AN is used to track your Form 470, and it must be provided in Block 5, Item 12 of each FCC Form 471, Services Ordered and Certification Form, which cites this Form 470. Any Form 471 applicant who relies on this Form 470 must know this 470AN. Such applicants must be listed on this Form 470 in Block 4, Item 17, or be included through selection of the "Statewide" designation of Item 16b of Block 4. You may wish to share the 470AN from this Form 470 with those schools and/or libraries featured in Block 4, to assist them in their preparation of Form 471 applications.

The next step in the application process is the completion of a FCC Form 471, Services Ordered and Certification Form. FCC rules require that requests for new services be posted on the SLD Web Site for a period of 28 days before you enter into and sign any contracts with service providers, and before you identify your providers of tariff or month-to-month services on your Form 471. In addition, if you are a first-time filer of the Form 470 seeking discounts for services under a multi-year contract signed on or before 7/10/1997, the SLD requires that you wait 28 days before filing Form 471.

Your Form 470 was posted by the SLD on 12/12/2000. Accordingly, a contract or contracts may be signed for requested services on or after 01/09/2001. This is your "Allowable Contract Date". The SLD will be prepared on that date to receive your Form(s) 471. A properly completed Form 471, with a signed Form 471 certification, must be received by the SLD no later than 01/19/2000 in order to be included in the initial Form 471 filing window. If your allowable contract date is after the window closes, your Form 471 will not be considered together with those received within the window.

A properly completed certification for your Form 470 has been received and entered.

It is important to remember that not all requested services may necessarily be approved for discounts. Your Form 471 is subject to review by the SLD for a determination of funding eligibility before funds are committed. (This review will consider all program rules including eligibility of discount recipients and the eligibility of services for which discounts are requested.) In addition, availability of funds will be a factor in funding decisions. Therefore, you should consider the possibility of a denial of funding or a level of funding below your request, and include appropriate contingencies in contracts for any or all of the requested services.

If you have any questions, please call the SLD Client Service Bureau at 888-203-8100.



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal - Funding Year 2001-2002**

February 8, 2002

Colin J. Monahan  
School Business Administrator  
Totowa Borough Public Schools  
93 Lincoln Avenue  
Totowa, NJ 07512

Re:      Billed Entity Number:            122882  
         471 Application Number:        265823  
         Funding Request Number(s):    707941, 707942, 707958, 707959  
         Your Correspondence Dated:    September 28, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number:        707941, 707942, 707958, 707959  
Decision on Appeal:            **Denied in full.**  
Explanation:

- In your letter of appeal you admitted a clerical error was made on your part. You stated the Form 470 was a funding year 3 Form 470 not a funding year 4 Form 470 that was necessary in this case.
- In your application you referenced a Funding Year 3 FCC Form 470 #331540000328626. You were contacted during the initial review period and given an opportunity to provide the establishing 470 for these services and responded at that time that the cited 470 was the only one that had been filed. The Form 471 you submitted to SLD indicates that you are seeking support for tariff or month-to-month services. While these types of services may not be subject to a contract, they do need to be competitively bid for each funding year. Therefore, your Form 470 requesting support for these services should have been

posted on the website. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days.

- FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See* 47 C.F.R. §§ 54.504; 54.511(a), (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997). The only exceptions to the posting requirement are for: (1) contracts signed on or before July 10, 1997 for the life of the contract; (2) contracts signed between July 10, 1997 and before January 30, 1998 (the date on which the website became operational) for services provided through June 30, 1999. *See* 47 C.F.R. § 54.511(c); *Fifth Reconsideration Order*, 13 FCC Rcd at 14916 ¶ 2, and 14920 ¶ 8 (extending Year One funding period through June 30, 1999).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12<sup>th</sup> Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, [www.sl.universalservice.org](http://www.sl.universalservice.org).

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company